



Business Emergency Plan

Reporting Requirements

California Health and Safety Code Chapter 6.95 and California Code of Regulations Title 19 Division 2 Chapter 4 Article 4 contain the minimum standards for business plans. These regulations require businesses to provide emergency response plans and procedures, training program information, and a chemical inventory disclosing hazardous materials stored, used, or handled on site.

A hazardous material is defined as any material that because of its quantity, concentration, or physical or chemical characteristics, poses a significant present or potential hazard to human health and safety or to the environment if released into the work place or the environment.

A business with hazardous materials or a mixture containing hazardous materials shall establish and implement a Business Emergency Plan if the hazardous material onsite is in quantities:

1. Equal to or greater than 55 gallons, 200 cubic feet, or 500 pounds.
2. A total of 1,000 cubic feet, if the hazardous material is a compressed gas and is classified as a hazard for the purposes of Section 5194 of Title 8 of the California Code of Regulations solely as a compressed gas for which the only health and physical hazards are simple asphyxiation and the release of pressure (i.e. Argon, Helium, Nitrogen). Does not include gases in a cryogenic state.
3. Equal to or greater than the threshold planning quantity (TPQ) for an extremely hazardous substance (EHS) as defined in Section 355.61 of Title 40 of the Code of Federal Regulations and the TPQ for that EHS listed in Appendices A & B of Part 355 (commencing with Section 355.1) of Subchapter J of Chapter I of Title 40 of the Code of Federal Regulations is less than 500 pounds.
4. Radioactive materials that are handled in quantities for which an emergency plan is required to be adopted pursuant to Part 30 (commencing with Section 30.1), Part 40 (commencing with Section 40.1), or Part 70 (commencing with Section 70.1), of Chapter 1 of Title 10 of the Code of Federal Regulations.

Exemptions:

1. MEDICAL GASES – Oxygen, Nitrogen, and Nitrous Oxide used in medical offices are not reportable unless the quantity per chemical is 1,000 cubic feet or greater.
2. LUBRICATING OIL – Total volume of each type of lubricating oil does not exceed 55 gallons and the total volume of all types of lubricating oils does not exceed 275 gallons at any one time.
3. RETAIL PRODUCTS – Contained in a consumer product for direct distribution to and use by the general public.
4. OIL-FILLED ELECTRICAL EQUIPMENT – Not contiguous to an electric facility if the aggregate capacity is less than 1,320 gallons.

LEAD ACID BATTERY POLICY – Batteries shall be listed as one inventory item and the quantity reported is in gallons, not pounds. The quantity of electrolyte should be used to determine if the batteries have exceeded the reporting threshold of equal to or greater than 55 gallons.

The intent of the Business Emergency Plan is to assist in mitigating a release or threatened release of a hazardous material and to minimize any potential harm or damage to human health or the environment. Emergency responders use the information provided in planning for and handling emergencies involving hazardous materials.

An internet based document submittal program is utilized. A user name and password can be obtained at the following website: <http://www.esubmit.ocgov.com>. The password will be sent to your email address and may take a few days to receive.

Once you have a password, login at <http://www.esubmit.ocgov.com> to complete your Business Emergency Plan. The **Business Emergency Plan (BEP) Electronic Submittal Instructions** will assist you with completing the forms.

If you require assistance, contact Nadine Morris in Life Safety Services at nmorris@nbfd.net or (949) 644-3105.

Reporting Changes

California Code of Regulations Title 19 Section 2729.4 requires businesses to update their submittal within 30 days of the following events:

- A 100% or more increase in the quantity of a previously disclosed material.
- Any handling of a previously undisclosed hazardous material subject to the inventory requirements.
- Changes in quantity of a previously disclosed hazardous material.
- Change of business address.
- Change of business ownership.
- Change of business name.

Verification of submittal information will be handled during the fire inspection and special verification inspections as needed.

Fees

Fees are for the recovery of costs to operate the program and are based upon the number of reportable chemicals used, handled, or stored by a business. The annual fee is included in the CUPA Annual Invoice issued by Orange County Health Care Agency.

Fines

Failure to submit disclosure information or falsification of documents will be subject to the following fines and penalties pursuant to the California Health and Safety Code Section 25515:

- Failure to disclose can result in fines of up to \$2,000.00 per day.
- Violations occurring after reasonable notice has been given can result in fines of up to \$5,000.00 per day.
- Violations can be punished by imprisonment in addition to the stated fines.